

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-093920 consol.

11/01/2011

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

IN RE THE MARRIAGE OF
SHERRY GOLEMBEWSKI

JAMI M CORNISH

AND

MICHAEL GOLEMBEWSKI

MICHAEL GOLEMBEWSKI
3580 E TORRY PINES LN
CHANDLER AZ 85249

BERT L ROOS

MINUTE ENTRY

Courtroom 403 – SEA

10:01 a.m. This is the time set for Resolution Management Conference. Petitioner is present and represented by above named counsel. Respondent is present and represented by Bert L. Roos.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

The docket reflects that Petitioner/Mother filed a request for an order of protection on August 31, 2011. A subsequent hearing was held on September 15, 2011, which resulted in an agreement. The order of protection remains in effect, which grants Mother exclusive use of the former marital residence and includes Mother's children of another relationship. Respondent/Father filed a petition for dissolution of marriage on September 13, 2011 along with a motion for temporary orders. The docket reflects service of the pleadings upon Mother on that

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same date. Mother filed her response to both the petition and the motion for temporary orders on October 5, 2011.

Counsel advise the Court the parties have reached a partial agreement.

Counsel for Respondent states the parties' following agreements on the record:

- With respect to the 2011 Thanksgiving holiday, Petitioner/Mother will be out of town. Respondent/Father will have the minor children in his care for Thanksgiving from Wednesday after school until Saturday at noon. The parties will exchange the minor children curbside.
- Respondent will be allowed to retrieve a small brown couch, 3 mattresses and a black filing cabinet from the former marital residence on November 4, 2011 at 10:30 a.m. Respondent's access to the property will be limited to the garage only. Respondent's presence at the former marital residence for removal of the property will not be considered a violation of the order of protection issued against Respondent in favor of Petitioner on August 31, 2011 and amended on September 15, 2011.

Sherry Golembewski and Michael Golembewski are sworn and testify.

THE COURT FINDS that the parties have knowingly, voluntarily and intelligently entered into the agreement. The agreement is in the best interest of the minor children.

Pursuant to Rule 69, Arizona Rules of Family Law Procedure, the agreement having been made in open Court,

THE COURT FINDS it is binding on the parties and is entered on the record.

LET THE RECORD REFLECT counsel for Respondent moves the Court to allow him to withdraw as counsel of record for Respondent.

There being no objection by Respondent,

IT IS ORDERED allowing Bert L. Roos to withdraw as counsel of record for the Respondent.

IT IS ORDERED setting an Evidentiary Hearing re: temporary orders on **November 16, 2011 at 11:00 a.m. (1 hour allowed)** in this Division.

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IT IS FURTHER ORDERED that each party shall deliver their exhibits to the Clerk of this Division no less than 5 days prior to the hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

Both parties agree that a trial of 3 hours is sufficient to resolve all of the remaining issues in this case.

IT IS ORDERED setting Trial to the Court on **January 27, 2012 at 2:00 p.m. (3 hours allowed)** in this Division at:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 403
Mesa, AZ 85210

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to trial.
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all

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exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.

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7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that each party shall deliver their exhibits to the Clerk of this Division no less than 5 days prior to the trial. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the trial. If you make a written request before the trial, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

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Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

10:10 a.m. Conference concludes.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.